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The Clean Air Act Amendments of 1990



On November 15, 1990, President Bush signed into law the Clean Air Act Amendments of 1990 which substantially revise the Clean Air Act for the first time in 13 years. The Amendments impose new and stricter controls to combat acid rain, toxic air pollution, urban smog (including ozone), among other pollution problems. The five main areas of the Amendments are: general attainment, mobile sources and fuels, hazardous air pollutants (air toxics), acid deposition (acid rain), and permits.

GENERAL ATTAINMENT

The general attainment provisions require urban areas to reduce their levels of ozone and other pollutants to meet the federally issued national ambient air quality standards (NAAQS). Within the provisions, the affected areas are classified according to the seriousness of their pollution problem. More stringent and numerous controls are required for areas with serious pollution problems, and more time is given to these areas to attain the federal NAAQS.

The Chicago area has been classified as a "severe" ozone nonattainment area. For this area, Illinois must do the following: submit an emissions inventory with periodic updates and annual emissions reports; reduce VOC emissions by at least 15% within six years of enactment; reduce VOCs by at least 3% per year thereafter; require sources of 25 tons per year or more to implement a specific level of controls (called reasonably available control technology - RACT); require gasoline dispensing facilities over a certain size to install Stage II Vapor Recovery to capture fuel vapors released during refueling; establish an En-

hanced Vehicle Inspection and Maintenance program; and implement new measures to decrease transportation related emissions.

The E. St. Louis area is classified as a "moderate" ozone nonattainment area. Regarding this area, Illinois must complete the following: reduce VOC emissions by 15% within six years; require RACT for sources of at least 100 tons per year; prepare emissions inventories and annual emissions reports; require certain gasoline dispensing facilities to install Stage II Vapor Recovery; and employ an adequate vehicle inspection and maintenance program.

MOBILE SOURCES

The new Mobile Sources provisions require tailpipe emissions of hydrocarbons and NO_x to be reduced beginning in model year 1994. Reformulated gasoline will be required in highly polluted areas, including Chicago, starting 1995. The reductions will be implemented in a two-phase process which will potentially give U.S. EPA discretion to determine whether or not the second phase of reductions will be required. U.S. EPA will issue new standards for light duty vehicles, including trucks, and for heavy duty vehicles. U.S. EPA will be issuing additional regulations regarding the use of onboard diagnostic controls, and hazardous or toxic air pollution from vehicles.

AIR TOXICS

The Hazardous Air Pollutant or Air Toxics provisions set forth a list of approximately 190 toxic chemicals which are to be regulated. Procedures are set forth for add-



ing to or deleting from the list. Human and environmental adverse effects will be considered for list revisions. New standards for emissions of these toxic chemicals will be issued by U.S. EPA which will require sources to implement a certain level of controls (called maximum achievable control technology - MACT). Sources voluntarily reducing emissions 90% below their 1987 levels may be given up to an additional six years to comply with the new standards. U.S. EPA will be required to assess the residual risk remaining after implementation of the MACT standards. Based on that assessment, more stringent standards may be required and issued by U.S. EPA.

U.S. EPA will also be issuing regulations for accidental chemical release prevention and response. A list of 100 extremely hazardous pollutants will be established and assessments will be made of how to best prevent, detect, and respond to accidental releases of such chemicals. Standards for solid waste incinerators and monitoring and personnel training regulations will be issued by U.S. EPA.

ACID RAIN

The new Acid Rain provisions set a goal of SO_2 emissions reductions from 1980 levels totalling 10 million tons per year by the year 2000 and NO_x reductions of two million tons per year by the year 1995. A system of allowances is established in which affected sources of SO_2 are granted allowances or authorizations to emit one ton of SO_2 per allowance in a given year.

Emission reductions are to take place through a two-phased system. In the first phase, all power plants of 100 megawatts and greater are required to cap their emissions at 2.5 lbs/mmBtu times their fuel

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consumption rate for 1985-1987, starting in 1995. In the second phase, sources of 75 megawatts and greater are required to reduce their emissions to 1.2 lbs/mmBtu times their 1985-1987 consumption rate by the year 2000. Sources can obtain additional allowances for operating at a reduced capacity, for constructing renewable power plants, for implementing qualifying clean coal technology, and for allowance auctions, among other means. Certain Midwestern states, including Illinois, will be granted additional allowances in both phase I and II.

A federal system of regulatory incentives will be established to promote the development and use of clean coal technology. In addition, a program of training and benefits will be created for displaced workers.

PERMITS

The Clean Air Act Amendments' Permit Section provides for a federal permitting system in which states are to submit copies of each permit up for application or renewal to U.S. EPA for review and possible veto. Within three years of the new amendments' enactment, states are to submit to U.S. EPA a state approved permit program which meets all of the federal requirements. Such requirements include specific application provisions, monitoring and reporting requirements, as well as provisions for collection of fees calculated on a per ton of emissions basis. States will be sanctioned by U.S. EPA for failure to adequately administer the permit program. U.S. EPA will issue permits and exact fees, including high penalty fees, where an approved and adequate state program is not in place.

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